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Minutes

Board of Elevator Examiners

365 East St. – Anne Sullivan Building

Tewksbury, MA 01876

February 4th, 2015

9:00 a.m.

1. Board Members Present:

Patrick Coyle, Chairman
Lenny Chase, Member
Ed Sandell, Member
George Dahlquist, Member
George Ramian, Member

Guests Present:

Deirdre Ann Hosler, Deputy General Counsel
Walter Zalenski, Chief of Elevator Inspection
James Borake
Leo Locurto
David Morgan

Board Members Not Present

Paul Keyes, Member

2. The minutes from the last meeting on January 21th, 2015, were reviewed by members present; **motion to approve these minutes by George Ramian, seconded by Ed Sandell. Motion to accept the minutes as read; all in favor, chair calls for a voice call, Lenny Chase (y), Ed Sandell (y), George Dahlquist (y), George Ramian (y), Pat Coyle (y) unanimous vote 5-0.**

3. Review applications for the February 18th, 2015 State Elevator License Exam

1. **Robert P. Doherty** – 19 Alcott Park, Malden, MA 02148, presently employed by Allied Elevator Corporation, Danvers, MA. Has Apprentice card that expires 12-2015, has 450 hours classroom training, and 6,069 on the job training hours. Chair said in his opinion he is eligible to sit for the exam. George Ramian made a motion to allow him to sit for the exam and Ed Sandell second the motion. Chair asks any further discussion on the motion: members reply no, Chair asks all in favor (unanimous (5 0)).
2. **Matthew Quinlan** – 242 Pleasant St., Wakefield, MA 01850, presently employed by Schindler Elevator, Walpole, MA. Has apprentice card that expires November 2015, has 450 hours classroom training and 2,297.5 on the job training hours. Chair said in his opinion he's good to go. Lenny

Chase made a motion to allow him to sit for the exam and Ed Sandell second the motion. Any further discussion on the motion; members reply no, Chair that ask all in favor (unanimous) 5-0.

3. **James J. Higgins** – 72 Highland Meadow Dr., N. Attleboro, MA 02760. *Doesn't have apprenticeship card, nothing on OJT hours and no classroom training. With the respect from the Board, chair finds this application rejected. Ed Sandell made a motion to reject this candidate to sit for exam and Lenny Chase seconds it.*
4. **Craig S. Boudreaux** – 252 Chestnut St., N. Attleboro, MA 02760. *Has apprentice card that expires 12-2015, has 1,456.25 OJT hours, and 500 classroom training. Chair call for a vote; George Ramian made a motion to accept applicant to sit for the exam and Lenny Chase second it. All in favor (unanimous) 5-0.*
5. **Robert S. Mariani**, 15 Meadow Lane, Weymouth, MA 02190, *had a license # 5872 and let it lapse, 27,605 OJT hours, and 600 classroom hours. Motion made by Ed Sandell to accept candidate and Lenny Chase second it. Chair asks all in favor (unanimous) 5-0.*

Chair said that is five candidates, four have been approved to sit for the State Elevator License Exam on February 18th, 2015. One was rejected.

4. Matters not reasonably anticipated 48 hours in advanced of meeting

Chair asks anything that hasn't been anticipated 48 hours before the meeting; members reply no. Being of no further business I'll ask for a motion to close the regular business meeting to enter the hearing for disciplinary hearing for Paul Ahern, Interstate Elevator Corporation. Lenny Chase made a motion to close the regular meeting and Ed Sandell seconds it. Chair call for a voice call; Chase (y), Sandell (y), Ramian (y), Dahlquist (y), Coyle (y), and unanimous 5-0.

Adjourned: 9:25AM

Prepared by: P. Hodge

@10:00 am

5. Disciplinary Hearing for Paul Ahearn, Interstate Elevator Corporation

Board Members Present:

Patrick Coyle, Chairman
Lenny Chase, Member
George Dahlquist, Member
George Ramian, Member
Ed Sandell, member (Recused)

Guests Present:

Deirdre Ann Hosler, Deputy General Counsel
Walter Zalenski, Chief of Elevator Inspection
James Bourke
Leo Locurto
David Morgan
Ed Sandell
Paul Ahern Lic. # 005132
Mark Gilkie
Frank Ferrara
Arthur Broadhurst

Board Members Not Present

Paul Keyes, Member

Witnesses sworn in by Chairman Patrick Coyle.

The Board will first hear from Chief of Elevator Inspection Walter Zalenski.

Chief of Inspections Zalenski testified on the policies of the Department for scheduling and inspections. He also noted the inspectors' work hours. See Exhibit 9. Chief Zalenski was asked about Exhibit 3 an email correspondence from Mr. Ahern regarding a wheelchair lift that did not meet code and was shut down. Chief Zalenski also testified about other inspectors' experiences with Mr. Ahern. Counsel for Ahern produced a schedule from February 10th and 11th 2014 Exhibit 10 and questioned Chief Zalenski about the document.

Leo Locurto

Inspector Locurto was asked about Exhibit 8, an incident report from Pilgrim Rehabilitation Center in Peabody. Inspector Locurto described the incident with Mr. Ahern and the how the unit was not inspected. Counsel for Ahern produced Exhibit 11 a letter from the facilities Manager at Pilgrim Rehabilitation regarding the incident at Pilgrim Rehabilitation Center. Inspector Locurto stated the information contained in that letter was false.

Mark Gilkie

Inspector Gilkie testified to his personal experiences with Mr. Ahern. He specifically mentioned 3 incidents. He stated he feels the Mr. Ahern creates a hostile working environment for the inspectors.

Frank Ferrara

Inspector Ferrara testified to two incidents involving Mr. Ahern and his son. On incident resulted in verbal abuse by Mr. Ahern's son to Inspector Ferrara.

Ed Sandell

Inspector Sandell testified to his incidents with Mr. Ahern, and discussed Exhibit 4 and 12.

Paul Ahern testified that he had addressed issues with his staff as far as interacting with inspectors and making sure that inspectors are not put in fear. Mr. Ahern also testified that his company's hours are 8 to 4:30, but he will attend inspections that are scheduled from 7 a. m. on.

Chairman Pat Coyle said the Board will take this matter on advisement.

Adjourn: 12:00

Prepared by P. Hodge

Exhibit List

Application from Robert P. Dougherty

Application from Matthew Quinlan

Application from James J. Higgins

Application from Craig S. Boudreaux

Application from Robert S. Mariani

Hearing Exhibits:

- Exhibit 1: Letter dated April 25, 2012 from the Commissioner of Public Safety to Paul Ahern with Attachment
- Exhibit 2: Letter dated December 13, 2012 from Elevator Inspector Leo Locurto
- Exhibit 3: Email chain between Paul Ahern and Chief of Inspections – Elevator Division Walter Zalenski from June 18 to June 20, 2013
- Exhibit 4: Email chain between Paul Ahern and Supervisor of Elevator Inspectors Ed Sandell on

February 10, 2014

- Exhibit 5: Situation Report from Supervisor of Elevator Inspectors Ed Sandell dated February 11, 2014
- Exhibit 6: Elevator Incident Report from Elevator Inspector Frank Ferrara regarding incident at One Main Street in Andover, MA on August 13, 2014
- Exhibit 7: Elevator Incident Report from Elevator Inspector Frank Ferrara regarding incident at 68 Main Street in Andover, MA on August 13, 2014
- Exhibit 8: Elevator Incident Report from Elevator Inspector Leo Locurto regarding incident at 96 Forest Street in Peabody, MA on December 13, 2012
- Exhibit 9: Blank Department of Public Safety Application for Elevator Annual Test of Safety Devices
- Exhibit 10: Elevator Inspections Schedule for Interstate Elevator Corporation (Year 2014)
- Exhibit 11: Written Testimony of Mr. Ivan Herrera, Facilities Manager at Pilgrim Rehabilitation, Forest Street in Peabody, MA
- Exhibit 12: Written Testimony of Ms. Linda Wilson, Trustee, 129 Marlborough Street Condo Association
- Exhibit 9: Application for Annual Test of Safety Devices and Firefighter Service Overtime at Night
- Exhibit 10: Elevator Inspectors Schedule dated February 10 & 11th 2014
- Exhibit 11: Letter from Facility Management at Pilgrim Rehabilitation
- Exhibit 4: Email chain between Paul Ahern and Supervisor of Elevator Inspectors Ed Sandell on 2.10.14
- Exhibit 12: Email to Paul Ahern from Linda Wilson Gross, Trustee, at 129 Malborough St., Condo Association dated 3.21.14

Adjourn: 12:00

Prepared by P. Hodge